

DISTRICT ATTORNEYS

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY03 Adjusted Base	FY04 Recommended	% Change Over FY03	FY05 Recommended	% Change Over FY04
GPR	36,395,900	36,407,200	0.0	36,429,400	0.1
PR-O	1,422,700	1,438,900	1.1	1,440,900	0.1
PR-S	223,100	700,700	214.1	724,700	3.4
TOTAL	38,041,700	38,546,800	1.3	38,595,000	0.1

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY03 Adjusted Base	FY04 Recommended	FTE Change From FY03	FY05 Recommended	FTE Change From FY04
GPR	390.40	375.40	-15.00	375.40	0.00
PR-O	33.75	24.50	-9.25	19.50	-5.00
PR-S	3.00	7.00	4.00	7.00	0.00
TOTAL	427.15	406.90	-20.25	401.90	-5.00

AGENCY DESCRIPTION

The agency includes 71 district attorney offices, with 70 serving a single county and one serving two counties. An elected district attorney heads each office. In addition, 62 offices have one or more assistant district attorneys and ten have one or more deputy district attorneys. These prosecutors are state employees, and other office staff are county employees. The agency distributes salaries and fringe benefits to all prosecutors, court-ordered costs for special prosecutors and limited additional reimbursements for administrative expenses. The costs for information technology are addressed as a part of the Department of Electronic Government's budget.

District attorneys manage their offices and implement the terms of a collective bargaining agreement with the Association of State Prosecutors, which represents assistant district attorneys. They also:

- Prosecute violations of criminal, forfeiture and county traffic laws;
- Conduct "John Doe" and grand jury proceedings;
- Prosecute certain misdemeanor and civil actions, including sexual predator cases;
- Assist in the investigation of potential welfare fraud;
- Meet the requirements of the state's crime victims' rights law; and
- Propose budget requests.

MISSION

The agency protects the welfare and safety of Wisconsin communities by advocating justice under the law.

PROGRAMS, GOALS, OBJECTIVES AND ACTIVITIES

Program 1: District Attorneys

Goal: Ensure justice is done in a timely manner in all instances where a case has been referred for prosecution by law enforcement agencies.

Objective/Activity: Complete timely prosecutorial action in all cases referred by law enforcement agencies involving firearms, sexual assault and burglary.

Goal: Improve crime victims confidence in the criminal justice system and enhance crime victims cooperation with the prosecution of their case.

Objective/Activity: Give crime victims the most complete and timely information feasible about their case and treat all crime victims with sensitivity, dignity and respect.

PERFORMANCE MEASURES

HISTORICAL DATA

Prog. No.	Performance Measure	Actual 2000
1.	Number of days from receipt of all law enforcement referrals of felonies involving firearms cases until initial prosecutorial action.	12.08 ¹
1.	Number of days from receipt of all law enforcement referrals of sexual assault cases until initial prosecutorial action.	17.23 ¹
1.	Number of days from receipt of all law enforcement referrals of burglary cases until initial prosecutorial action.	19.98 ¹
1.	Percent of district attorney offices with a process to provide crime victims with all required information in a timely fashion, as required by law.	100% ²

Note: Based on fiscal year.

¹Based on a survey with 59 of 71 district attorney offices responding; the statistic is the unweighted average number of days for offices with cases.

²Based on a survey with 59 of 71 district attorney offices responding.

2001 AND 2002 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2001	Actual 2001	Goal 2002	Actual 2002
1.	Number of days from receipt of all law enforcement referrals of felonies involving firearms cases until initial prosecutorial action.	12.32 ¹	N/A ⁴	12.57 ¹	10.13 ²
1.	Number of days from receipt of all law enforcement referrals of sexual assault cases until initial prosecutorial action.	17.57 ¹	N/A ⁴	17.92 ¹	22.18 ²
1.	Number of days from receipt of all law enforcement referrals of burglary cases until initial prosecutorial action.	20.38 ¹	N/A ⁴	20.79 ¹	16.95 ²
1.	Percent of district attorney offices with a process to provide crime victims with all required information in a timely fashion, as required by law.	100%	N/A ⁴	100%	100% ³

Note: Based on fiscal year.

¹Assuming no increase in district attorney staffing, the time needed is increased by two percent annually.

²Based on an analysis of data from the district attorney Case Management System (PROTECT) for all fiscal year 2001-02 cases.

³Based on a survey of district attorney offices.

⁴No survey was done.

2003, 2004 AND 2005 GOALS

Prog. No.	Performance Measure	Goal 2003	Goal 2004	Goal 2005
1.	Number of days from receipt of all law enforcement referrals of felonies involving firearms cases until initial prosecutorial action.	10.64 ¹	11.17 ¹	11.73 ¹
1.	Number of days from receipt of all law enforcement referrals of sexual assault cases until initial prosecutorial action.	23.29 ¹	24.45 ¹	25.68 ¹
1.	Number of days from receipt of all law enforcement referrals of burglary cases until initial prosecutorial action.	17.80 ¹	18.69 ¹	19.62 ¹
1.	Percent of district attorney offices with a process to provide crime victims with all required information in a timely fashion, as required by law.	100%	100%	100%

Note: Based on fiscal year.

¹Given anticipated resource limitations, the number of days is expected to increase by five percent each year from the fiscal year 2001-02 actual.

DISTRICT ATTORNEYS

GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Budget Efficiency Measures
2. Special Prosecution Clerk Fee
3. Multijurisdictional Assistant District Attorneys
4. Restorative Justice Coordinators
5. Enhancing Use of DNA Evidence
6. Operation Ceasefire
7. Standard Budget Adjustments

ITEMS NOT APPROVED

8. Increase Part-Time Elected District Attorneys
9. Increase Part-Time Assistant District Attorneys
10. New GPR Prosecutors

**Table 1
Department Budget Summary by Funding Source (in thousands of dollars)**

	ACTUAL FY02	ADJUSTED BASE FY03	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY04	FY05	FY04	FY05
GENERAL PURPOSE REVENUE	\$37,035.7	\$36,395.9	\$37,984.3	\$38,207.8	\$36,407.2	\$36,429.4
State Operations	36,959.7	36,317.6	37,903.2	38,124.3	36,407.2	36,429.4
Local Assistance	76.0	78.3	81.1	83.5		
PROGRAM REVENUE (2)	3,432.2	1,645.8	1,681.6	1,691.3	2,139.6	2,165.6
State Operations	3,257.5	1,471.1	1,490.7	1,498.4	1,948.7	1,972.7
Local Assistance	174.7	174.7	190.9	192.9	190.9	192.9
TOTALS-ANNUAL	40,467.9	38,041.7	39,665.9	39,899.1	38,546.8	38,595.0
State Operations	40,217.2	37,788.7	39,393.9	39,622.7	38,355.9	38,402.1
Local Assistance	250.7	253.0	272.0	276.4	190.9	192.9

(2) Includes Program Revenue-Service and Program Revenue-Other

**Table 2
Department Position Summary by Funding Source (in FTE positions) (4)**

	ADJUSTED BASE FY03	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY04	FY05	FY04	FY05
GENERAL PURPOSE REVENUE	390.40	404.30	404.30	375.40	375.40
PROGRAM REVENUE (2)	36.75	27.50	22.50	31.50	26.50
TOTALS-ANNUAL	427.15	431.80	426.80	406.90	401.90

(2) Includes Program Revenue-Service and Program Revenue-Other

(4) All positions are State Operations unless otherwise specified

**Table 3
Department Budget Summary by Program (in thousands of dollars)**

	ACTUAL FY02	ADJUSTED BASE FY03	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY04	FY05	FY04	FY05
1. District attorneys	\$40,467.9	\$38,041.7	\$39,665.9	\$39,899.1	\$38,546.8	\$38,595.0
TOTALS	40,467.9	38,041.7	39,665.9	39,899.1	38,546.8	38,595.0

**Table 4
Department Position Summary by Program (in FTE positions) (4)**

	ADJUSTED BASE FY03	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY04	FY05	FY04	FY05
1. District attorneys	427.15	431.80	426.80	406.90	401.90
TOTALS	427.15	431.80	426.80	406.90	401.90

(4) All positions are State Operations unless otherwise specified

1. Budget Efficiency Measures

Source of Funds	Agency Request				Governor's Recommendation			
	FY04		FY05		FY04		FY05	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	0	0.00	0	0.00	-900,000	-15.00	-900,000	-15.00
TOTAL	0	0.00	0	0.00	-900,000	-15.00	-900,000	-15.00

The Governor recommends reducing expenditure and position authority in the agency's state operations appropriations in the amount shown to create additional operational efficiencies and balance the budget. The Governor further recommends creating a State Prosecutors Board, consisting of eight district attorneys, attached to the Department of Administration to: (a) adopt advisory guidelines for district attorneys to use in determining when criminal cases should be prosecuted or diverted for nonprosecutorial programs; (b) issue rules regarding the temporary assignment of district attorneys, deputy district attorneys and assistant district attorneys to other counties; (c) hire and assign 15.0 FTE prosecutors for temporary placement in district attorney offices throughout the state; and (d) supervise the State Prosecutors Office.

2. Special Prosecution Clerk Fee

The Governor recommends increasing the \$2 special prosecution clerk's fee, charged and collected by the clerk of the Milwaukee County Circuit Court, to \$3.50. The increased fee will fully fund the cost of 4.5 FTE clerk positions in the Milwaukee County Felony Drug Crime and Violent Crime Court. The additional revenue from the fee increase, estimated to be \$89,100 PR-O in FY04 and \$87,100 PR-O in FY05, will replace GPR used to fully fund the cost of 2.0 FTE clerk positions in the Milwaukee County district attorney's office supporting firearm prosecutions (see Item #6).

3. Multijurisdictional Assistant District Attorneys

Source of Funds	Agency Request				Governor's Recommendation			
	FY04		FY05		FY04		FY05	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-S	0	0.00	0	0.00	376,900	4.00	390,800	4.00
TOTAL	0	0.00	0	0.00	376,900	4.00	390,800	4.00

The Governor recommends providing full funding for 3.0 FTE antidrug prosecutors in Milwaukee County and 1.0 FTE prosecutor in Dane County. Federal Byrne antidrug funds and matching monies administered by the Office of Justice Assistance will fund these positions.

4. Restorative Justice Coordinators

Source of Funds	Agency Request				Governor's Recommendation			
	FY04		FY05		FY04		FY05	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-S	10,100	0.00	13,000	0.00	10,100	0.00	13,000	0.00
TOTAL	10,100	0.00	13,000	0.00	10,100	0.00	13,000	0.00

The Governor recommends increasing funding for 2.00 FTE assistant district attorney positions to serve as restorative justice coordinators in the Milwaukee County and Outagamie County district attorney offices. The restorative justice coordinators provide support to victims, help for victims to reintegrate into community life, a forum where an offender may meet with the victim, records maintenance and assistance to other counties interested in establishing similar programs.

5. Enhancing Use of DNA Evidence

Source of Funds	Agency Request				Governor's Recommendation			
	FY04		FY05		FY04		FY05	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-S	9,500	0.00	14,300	0.00	9,500	0.00	14,300	0.00
TOTAL	9,500	0.00	14,300	0.00	9,500	0.00	14,300	0.00

The Governor recommends increasing funding for a Milwaukee assistant district attorney position to provide DNA prosecution services and training for other prosecutors.

6. Operation Ceasefire

Source of Funds	Agency Request				Governor's Recommendation			
	FY04		FY05		FY04		FY05	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	2,800	0.00	5,200	0.00	-78,300	0.00	-78,300	0.00
PR-S	0	0.00	0	0.00	81,100	0.00	83,500	0.00
TOTAL	2,800	0.00	5,200	0.00	2,800	0.00	5,200	0.00

The Governor recommends providing \$2,800 in FY04 and \$5,200 in FY05 to fully fund 2.0 FTE clerk positions that perform firearm prosecution clerical work on Operation Ceasefire in the Milwaukee County district attorney's office.

7. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendation			
	FY04		FY05		FY04		FY05	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	989,600	0.00	1,011,800	0.00	989,600	0.00	1,011,800	0.00
PR-O	0	-9.25	0	-14.25	0	-9.25	0	-14.25
TOTAL	989,600	-9.25	1,011,800	-14.25	989,600	-9.25	1,011,800	-14.25

The Governor recommends adjusting the agency's base budget for: (a) turnover reduction (-\$195,000 in each year); (b) removal of noncontinuing elements from the base (-9.25 FTE PR-O positions in FY04 and -14.25 FTE PR-O positions in FY05); (c) full funding of continuing position salaries and fringe benefits (\$998,900 in each year); (d) night and weekend differential pay (\$63,000 in each year); and (e) fifth week of vacation as cash (\$122,700 in FY04 and \$144,900 in FY05).

ITEMS NOT APPROVED

The following requests are not included in the Governor's budget recommendations for the District Attorneys.

Decision Item	Source of Funds	FY04		FY05	
		Dollars	Positions	Dollars	Positions
8. Increase Part-Time Elected District Attorneys	GPR	15,100	0.20	20,300	0.20
9. Increase Part-Time Assistant District Attorneys	GPR	63,000	0.80	84,100	0.80
10. New GPR Prosecutors	GPR	517,900	12.90	690,500	12.90
TOTAL OF ITEMS NOT APPROVED	GPR	596,000	13.90	794,900	13.90